

DESOTO COUNTY BOARD OF SUPERVISORS
BOARD MEETING MINUTES

ALLEN LATIMER, PRESIDENT 2008 PRESIDING

February 6, 2008

A. CALL TO ORDER

The February 6, 2008, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Allen Latimer, Board President.

Sheriff Bill Rasco of the DeSoto County Sheriff’s Department was present and did open the DeSoto County Board of Supervisors meeting in a regular session to hear any and all business to come before the Board. The following were present:

- Supervisor Jessie Medlin-----District 1
- Supervisor Eugene C. Thach-----District 2
- Supervisor Bill Russell-----District 3
- Supervisor Allen Latimer-----District 4
- Supervisor Tommy Lewis-----District 5
- W. E. Sluggo Davis-----Chancery Clerk
- Michael Garriga-----County Administrator
- Tony Nowak -----Board Attorney
- Sheriff Bill Rasco-----Sheriff

B. INVOCATION

Supervisor Eugene Thach presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. PLANNING COMMISSION

DeSoto County Board of Supervisors
Planning Agenda
February 6, 2008

PUBLIC HEARING
Zoning Regulations Amendment – The DeSoto County Board of Supervisors will consider amending Article 2, Paragraph C, Sections 11 & 12 of the DeSoto County Zoning Regulations to change the dates to read December 31, 2008

In the matter of amending the Desoto County Zoning Regulations Article V, Paragraph C, Sections 11 & 12:

Supervisor Medlin made a Motion to open the public hearing. Supervisor Russell seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

- FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN YES
- SECOND DISTRICT SUPERVISOR, EUGENE THACH YES
- THIRD DISTRICT SUPERVISOR, BILL RUSSELL YES
- FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER YES
- FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS YES

Mr. McDougal began by stating that Article V, Paragraph C, Sections 11 & 12 of the Desoto County Zoning Regulations must be updated every year. He informed the board that the date needs to be changed each year. It should read *Mobile homes located a minimum of one hundred (100) feet from a side property line, provided that a legitimate hardship exists which necessitates the use of a mobile home provided such application is made prior to December 31, 2008.*

Supervisor Russell asked if this regulation for mobile homes (Section 11) could be permanently changed. Mr. McDougal said that it has always been amended on a year-by-year basis. Mr. Garriga added that it could be changed permanently, but this has always been a sunset provision so that mobile home use in the Agricultural - Residential district could be reviewed and controlled on a yearly basis to be sure it is appropriate in the county.

Supervisor Medlin asked if this was done to allow changes throughout the year, and Mr. McDougal said that was part of the reason. Supervisor Thach added that mobile homes have been a controversial issue and that was a big reason that it was set up for annual review.

Mr. McDougal then suggested that the board may wish to continue to review this provision annually because there has been a lot of growth throughout the county and public water has been added to many areas.

Supervisor Latimer then asked if there was anyone present to speak for or against the issue. There was no one present.

Supervisor Medlin made a Motion to close the public hearing. Supervisor Thach seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN YES
SECOND DISTRICT SUPERVISOR, EUGENE THACH YES
THIRD DISTRICT SUPERVISOR, BILL RUSSELL YES
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER YES
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS YES

Supervisor Lewis made a Motion to amend the ordinance as suggested by the Planning Department. Supervisor Medlin seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN YES
SECOND DISTRICT SUPERVISOR, EUGENE THACH YES
THIRD DISTRICT SUPERVISOR, BILL RUSSELL YES
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER YES
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS YES

REZONINGS

Starlanding / Tulane (697) - Application is to rezone 2.52 acres from Agricultural-Residential to C-1. Subject property is located south of Starlanding Road and east of Tulane Road, in Section 22, Township 2, Range 8 and is zoned Agricultural-Residential. (District 4)

Mr. McDougal presented the application to the board. He then recognized Mr. Ben Smith as being present to represent the application.

Mr. Smith began by stating that the Comprehensive Plan states that commercial zoning can be located at the intersection of two major roads. This application was denied by the Planning Commission due to lack of change, but there are many changes in this area. He then listed eight changes that he feels are significant.

1. There is an eight inch water line that he installed that runs from the corner to Nikki Lakes Subdivision.
2. Starlanding Road is a major east / west corridor.
3. Tulane Road is a major arterial road and Starlanding Road is now a minor arterial road.
4. Federal funding has been requested by the Board of Supervisors to make Starlanding Road a major thoroughfare. The Board of Supervisors also stated that Starlanding Road is designated as a major east / west corridor.
5. Interstate 69 is open and there is an interchange at Tulane Road.
6. Tulane Road is complete and has been opened from Goodman Road to Highway 304.
7. There is a large ditch across the property that makes it undesirable for residential building.
8. Illinois Central Railroad issues at the nearby crossing have been eliminated.

Mr. Smith then stated that there is need for commercial in this area. There are no commercial uses for 6-7 miles to the east or west and 4-5 miles to the north or south.

Supervisor Thach asked where the closest commercial is to the north. Mr. Smith said that Donnie's Deli at Nail Road is the nearest to the north and Highway 304 is the nearest to the south.

Supervisor Latimer asked if there was anyone present to speak for or against.

Ms. Lynn Tarver (2888 Laverne Road) said that there are large lots in this area and a very rural atmosphere. She stated that this will eventually change, but doesn't feel that there is enough change to the area at this time to justify commercial zoning.

Mr. Smith responded that he is trying to plan for commercial. The board approved retail at the southeast corner of Starlanding Road and Interstate 55 because there will eventually be an interchange there. There may not be enough change now to justify, but it can be approved early with foresight as to what will happen.

Mary Herring (2425 Robbie Lee Road) said that there is not much traffic at this time and they do not want a commercial zoning to bring traffic.

Supervisor Latimer stated that he is pro business and knows that change may be coming to this area, but doesn't feel that there is enough change at this time to justify approval of the requested rezoning.

Supervisor Russell stated that the rezoning to commercial wouldn't fit the current character of the neighborhood and could be considered "spot zoning" at this time.

Supervisor Latimer made a Motion to deny this application due to lack of significant change in the neighborhood and a lack of public need for the proposed development. Supervisor Russell seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN YES
SECOND DISTRICT SUPERVISOR, EUGENE THACH YES
THIRD DISTRICT SUPERVISOR, BILL RUSSELL YES
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER YES
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS YES

Sunset Farms Lot 1 (700) – Application is to rezone 1.9 acres from Agricultural to C-4. Subject property is located north of Highway 304 and east of Tulane Road, in Section 9, Township 3, Range 8 and is zoned Agricultural. (District 5)

Sunset Farms Lot 8 (701) – Application is to rezone a portion of lot 8 from Agricultural to C-4. Subject property is located north of Highway 304 and east of Tulane Road, in Section 9, Township 3, Range 8 and is zoned Agricultural. (District 4)

Mr. McDougal presented the applications to the board. He explained that this is a residential subdivision, but the covenants state that these two lots may be rezoned to commercial. He then introduced Mr. Ben Smith as being present to represent the application.

Supervisor Medlin asked if only a portion of lot 8 was being rezoned. Mr. McDougal said that the southern half of the lot is the portion that is being requested to be rezoned.

Supervisor Medlin then asked if it was common for covenants to state that two lots can be commercial. Mr. McDougal said that he has not seen this before, but the covenants were amended fairly quickly after originally recorded to add this statement. Supervisor Medlin then asked if the board had to approve this change. Mr. McDougal stated that the covenants were not on the face of the plat so this matter did not come before the board. It was done through the Chancery Clerk's office. Supervisor Russell asked if these are the current covenants and Mr. McDougal said yes.

Supervisor Latimer then asked if the city of Hernando submitted a letter regarding the decision of their board meeting. Mr. McDougal said that the letter is the last correspondence that was received. Supervisor Thach asked how close the city limits are to this property. Mr. McDougal said that they are ½ mile to the east and ¼ mile to the north.

Mr. Smith then came forward to speak. He began by stating that these lots are at the intersection of two major streets. Tulane Road has been opened up to extend all the way to the interstate. He went on to say that there are large residential subdivisions planned with approximately 500-600 new residences to be constructed near this location.

The original proposal was for a bank and a convenience store. They then amended this to accept only office zoning, which would exclude convenience store and gas station uses.

There are many changes in the neighborhood which include Tulane Road being opened to interchange with Interstate 69. This will increase the traffic on Tulane Road and Highway 304. These lots are also very undesirable for residential.

Supervisor Lewis asked what office zoning allows. Mr. McDougal said that this includes small professional office buildings. Supervisor Lewis then asked about retail. Mr. McDougal informed him that retail is not allowed within the office zoning designation.

Supervisor Russell asked if the residents were aware of the change in this application to professional office. Mr. McDougal said that there was a lot of discussion during the Planning Commission meeting, but he was not sure if this was understood by the residents. Supervisor Russell then said that the covenants state these lots can be commercial and he hopes that a compromise can be made between Mr. Smith and the nearby residents. He then asked if Mr. Smith was willing to sit down with the residents to work out a compromise. Mr. Smith said yes.

Supervisor Latimer stated that he was not aware of this change to the request for professional office use and feels that a compromise would be a great idea. Supervisor Lewis said that he feels that office zoning is the lesser of two evils and this would be less intrusive than other commercial zonings.

Supervisor Latimer then asked if there was anyone present to speak for or against the application.

Mr. Mel Van Over (1897 Tulane Road) began by stating that this would be the third time the application has changed. It was originally C-1 then C-4 and now office. He then said that Mr. Smith alluded to there being no commercial in this area; that is what the residents want. There will be commercial at Interstate 69 eventually and that will be close enough. There are many people in the area that are against this proposed rezoning.

He then handed out a copy of the covenants that he received. He informed the board that these are the original covenants that were given to him at the time of purchase. He has not found anyone in the subdivision that received a copy of the amended covenants or that was informed that there had been changes made to the original covenants. He feels that commercial zoning does not fit the character of the neighborhood.

Supervisor Latimer said that there is no date on the original, but the amended covenants were dated August 2000 and no lots were purchased until after August of 2000.

Supervisor Russell asked Mr. Van Over when he purchased his lot and Mr. Van Over said it was purchased in May 2002. Supervisor Russell then asked who gave him the covenants. Mr. Van Over said that he was given these covenants by his builder Mr. Hawks.

Supervisor Russell then asked counsel if the original covenants could restrict the approval of commercial for these lots. Mr. Nowak, Board Attorney, said that the covenants have little effect on this rezoning. The current covenants allow for commercial and if the land use plan allows for this and there is a need then the board has the right to approve this rezoning. It is unfortunate for the homeowners, but the covenants do not guide the board's decisions on rezoning. Supervisor Russell then asked if Mr. Van Over would be willing to discuss a compromise with Mr. Smith and Mr. Van Over agreed.

Mr. Preston Rumba (1942 Tulane Road) said that if he had any idea that future commercial use was possible in this area he would not have purchased his lot. He then said that he was concerned with his property value.

Mr. Raymond Mayo (2644 Lamar Place North) said that he was opposed to this proposal. He would also like to know what the plans for the back portion of lot 8 are. Mr. Smith said that the north half of the lot would be used for a septic tank and fill line.

Mr. Brent Busby (2796 Highway 304) said that his main concern was traffic. The traffic on Tulane Road has already increased and this will only make matters worse. Any parking lots will obstruct the site distance even more than the existing hill already does. He does not understand why there cannot be homes on these lots. This will only create more money for Mr. Smith while it devalues the surrounding home values.

Mr. Smith then requested that the application be carried over until March 5, 2008 so that he can meet with the neighbors to reach a compromise. Mr. Garriga stated that the meeting will be rescheduled to March 4, 2008 due to prior engagements.

Supervisor Latimer asked if Mr. Van Over and the other residents would be willing to meet with Mr. Smith. Mr. Van Over said that would be fine, but requested that the meeting be held at night. Supervisor Latimer stated that those arrangements would be made and he also requested that the petitions that were submitted to him be made a part of the minutes (these documents will be kept on file in the Planning Commission Office).

Supervisor Thach made a Motion to carry over this application until March 4, 2008. Supervisor Russell seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN YES
SECOND DISTRICT SUPERVISOR, EUGENE THACH YES
THIRD DISTRICT SUPERVISOR, BILL RUSSELL YES
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER YES
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS YES

FINAL SUBDIVISIONS

Oakwood Trails (6615) – Application is for final subdivision approval of 149 lots on 155.16 acres. Subject property is located on the south side of Stateline Road and east of Highway 301 in Sections 19, Township 1, Range 8 and is zoned PUD. (District 3)

Mr. McDougal presented the application to the board. Next, he stated that there was originally concern regarding the lots that were not meeting the 100 feet wide frontage, but that was a mistake on his part and all of the lots, with the exception of lots 132, 133, 134, and 135, will be in compliance. He also stated that LOMR's have been received that remove several lots from the flood plain. He then introduced Mr. Harvey Marcom as being present to represent the application.

Supervisor Lewis asked how wide the access between lots 133 and 134 will be and Mr. Marcom stated that it will be 20 feet.

Supervisor Russell then said that he had originally asked the developer to donate \$15,000.00 to the homeowners' association and they agreed. The developer later agreed to sod the open space to the west and create a park. A box culvert will also be put in. Due to these agreements, he relieved the developer of the \$15,000.00 requirement. He then stated that he would like for the access road to be asphalt and built to county standards of thickness, but it did not have to meet the width requirement. This access road will not be maintained by the county.

Supervisor Lewis then asked how many acres are in the park, and Supervisor Russell said about 20 acres. Supervisor Lewis then asked if there should be two entrances. Supervisor Russell said that a second entrance would not make sense.

Supervisor Russell then asked about the box culvert issue that is due west of this property. Mr. Andy Swims, County Engineer, said that they asked the developer to do a study regarding the box culvert, and they did. The results showed that this box culvert is extremely undersized and needs to be replaced. This will not be responsibility of the developer.

At this time, Mr. Marcom came forward to speak. He stated that he redrew lot lines to make lots 132, 133, 134 and 135 meet the 100 foot frontage requirement and the 20 foot access. He is willing to redraw this on the plat to allow for a 30 foot access easement with a 24 foot road. This will require 5 feet of road frontage being removed from both lots 132 and 133. The board agreed that this would be okay.

Supervisor Lewis then asked about storm water measures. Mr. Marcom stated that dirt would be removed from the west common open space and this will allow for a lowering of 60,000 yards of storm water drainage. Supervisor Latimer then asked if this would affect the properties to the west or south, and Mr. Marcom said no. Supervisor Russell stated his concern about whether the water would drain out after a rain event and Mr. Marcom informed them that it would.

Mr. Marcom then stated that the fence around the perimeter would act as a natural buffer. Supervisor Russell said that if the natural buffer was on the inside of the property there would be a problem with protecting this natural buffer. He would like for this buffer to be on the other side of the property line. If the trees are on someone's property then they have the right to cut them down, and if that happens then the natural buffers are gone. He again stated that he would like for the 20 foot tree buffer to be in the common open space at the northwest corner of the subdivision; this should be reflected on the plat. Mr. Marcom stated that the lots along the south side are 20,000 square feet and if a portion is removed for the buffer they would no longer meet the size requirement. Supervisor Russell agreed that the lots at the south and the east would not need added buffering as they abut farmland.

Supervisor Russell then stated that the wording in the materials submitted as part of the application regarding the buffer along Stateline Road stated a berm with vegetation would be installed. He would like more specific details on this. Mr. Marcom said that there would be a split rail fence with a berm that was submitted with the original application; it will be landscaped with a combination of trees and shrubbery. Mr. McDougal presented a document that illustrated a "typical" design on the berm. This document was pulled from the rezoning documents in this case.

Supervisor Latimer asked how they planned on building houses over the sewer easement. Mr. Marcom stated that they had plans for 1800 square foot homes that can be built on these lots and can meet all required setbacks.

Supervisor Russell made a Motion to approve the application based on and subject to the agreements and discussion within these minutes. Supervisor Lewis seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN YES
SECOND DISTRICT SUPERVISOR, EUGENE THACH NO
THIRD DISTRICT SUPERVISOR, BILL RUSSELL YES
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER YES
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS YES

Ingrams Mill Acres 1st revision (6699) - Application is for final subdivision approval to revise lots 11 and 12. Subject property is located west of Jason Way and north of Fairview Road in Sections 28, Township 2, Range 5 and is zoned Agricultural. (District 1)

Mr. McDougal presented the application to the board. He explained that these were large lots and the covenants allowed for two residences and the splitting of lots. He went on to say that his interpretation of "affected persons" in this matter included only the abutting lot owners because the covenants allow the splitting of lots into two and therefore residents of the subdivision are on notice that a given lot could be split. Mr. McDougal advised the board that determination of "affected persons" is a board determination, and asked the Board to approve his interpretation. He then recognized Mr. Gerald Davis as being present to represent the application.

Supervisor Medlin asked if this will be the same lot owner. Mr. Davis stated that Mr. William Hatcher owns lot 12 and lot 12 is the lot to be split. His mother moved onto his property and they chose to split the lots. Her house was built partially on lot 11 so she purchased that portion of lot 11 and this purchased portion will become part of lot 12. He then said that the west lot line was redrawn to address the existing fence location, which they would like to retain. Supervisor Russell asked if the owners for lot 11 have been notified of the change, and Mr. Davis said that they have been notified and a new deed will have to be signed.

Supervisor Latimer asked if there was anyone present to speak for or against the application. There were none.

Supervisor Lewis asked if this amendment to lot 11 will preclude it from being divided again. Mr. McDougal said no.

Supervisor Medlin made a Motion to approve the application conditioned upon the amendments made by Mr. Davis and subject to staff comments and that this revision of the plat be recorded. Supervisor Russell seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN YES
SECOND DISTRICT SUPERVISOR, EUGENE THACH YES
THIRD DISTRICT SUPERVISOR, BILL RUSSELL YES
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER YES
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS YES

MINOR LOTS

District 1

Latham Place Minor lot (6704) - Application is for final subdivision approval of one (1) lot of 8.24 acres out of 66 acres. Subject property is located east of Polk Lane and west of Forest Hill Subdivision in Section 7, Township 2, Range 5 and is zoned Agricultural -Residential. (District 1)

*****MUST PLAT AND RECORD*****

Looney Road Estates Minor lot (6706) - Application is for final subdivision approval of one (2) lots of 3.36 acres each out of 6.72 acres. Subject property is located on the south of Looney Road and west of Centerhill Road in Section 20, Township 1, Range 5 and is zoned Agricultural -Residential. (District 1)

District 4

Betts Minor lot (6705) - Application is for final subdivision approval of one (1) lot of 1.50 acres out of 14 acres. Subject property is located on the north side of Fogg Road and east of Shady Grove Subdivision in Section 30, Township 3, Range 8 and is zoned Agricultural. (District 4)

Henigan Minor lot (6707) - Application is for final subdivision approval of one (1) lot of 1.5 acres each out of 4 acres. Subject property is located on the south of Highway 304 Road and east of Emerald Estates in Section 16, Township 3, Range 9 and is zoned Agricultural. (District 4)

MUST PLAT AND RECORD

District 5

Ella's Place (6708) - Application is for final subdivision approval of one (1) lot of 3 acres out of 19.8 acres. Subject property is located on the north of County Line Road and west of Walker Road in Section 36, Township 3, Range 6 and is zoned Agricultural. (District 5)

Ross Minor Lot (6709) - Application is for final subdivision approval of two (2) lots of 1.5 acres each out of 51 acres. Subject property is located on the north of Holly Springs Road and west of Highway 305 in Section 27, Township 3, Range 6 and is zoned Agricultural. (District 5)

Mr. McDougal stated that the Latham Place Minor lot had a previously approved division of land with the requirement that it be platted and recorded. This was never done and the Planning Commission is now requesting that the entire easement be platted and recorded. Supervisor Medlin said that he wants to make sure that is done.

Supervisor Medlin made a Motion to approve these applications subject to staff recommendations. Supervisor Russell seconded the Motion.

APPROVED SUBJECT TO MEETING ALL STANDARDS OF THE FOLLOWING: DEDICATION OF PUBLIC ROAD RIGHT-OF-WAY, HEALTH DEPARTMENT APPROVAL.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN YES
SECOND DISTRICT SUPERVISOR, EUGENE THACH YES
THIRD DISTRICT SUPERVISOR, BILL RUSSELL YES
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER YES
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS YES

Other Items:

1. MPO- Corridor Study

In the matter of approving a request to conduct an MPO Corridor Study for Centerhill Road.

Mr. McDougal said that this corridor study will include Centerhill Road from Goodman Road into Collierville, Tennessee. The request to conduct this study would be made to the Memphis Metropolitan Planning Organization (MPO) in conjunction with the City of Olive Branch, Mississippi; the City of Collierville, Tennessee; and Shelby County, Tennessee. All of the parties concerned are now ready to proceed with the study. Supervisor Medlin asked what the delay had been and Mr. McDougal stated that the Tennessee cities and counties took longer than expected to forward letters of request.

Supervisor Latimer asked if this would cost the county any money. Mr. McDougal said no; all funding for the study will come from available funding through the MPO.

Supervisor Medlin made a Motion to approve this study. Supervisor Lewis seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN YES
SECOND DISTRICT SUPERVISOR, EUGENE THACH YES
THIRD DISTRICT SUPERVISOR, BILL RUSSELL YES
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER YES
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS YES

2. Adoption of 2008 zoning maps

In the matter of adoption of the 2008 Desoto County Zoning Map.

Mr. McDougal stated that the new zoning maps were presented to the board last month for review. He then said that the board will need to adopt these new maps if they meet approval.

Supervisor Thach made a Motion to adopt the 2008 Desoto County Zoning Map. Supervisor Russell seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN YES
SECOND DISTRICT SUPERVISOR, EUGENE THACH YES
THIRD DISTRICT SUPERVISOR, BILL RUSSELL YES
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER YES
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS YES

3. Board of Education Variance Request

In the matter of approving the variance request for the Board of Education.

Mr. McDougal stated that he received a letter requesting that the Board of Supervisors grant a variance from the International Building Code for the athletic facilities for Lake Cormorant High School. The DeSoto County Board of Education is requesting to use the Southern Building Code requirement for plumbing fixtures at the athletic facilities for Lake Cormorant High School. There was a previous request granted for athletic facilities at Lewisburg School.

Supervisor Russell asked if this would apply to only the athletic facilities. Mr. McDougal stated that is what was previously approved.

Supervisor Russell made a Motion to grant the use of the Southern Building Code for the athletic fields at Lake Cormorant only. Supervisor Thach seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN YES
SECOND DISTRICT SUPERVISOR, EUGENE THACH YES
THIRD DISTRICT SUPERVISOR, BILL RUSSELL YES
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER YES
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS YES

4. Stormwater Program

In the matter of acknowledging the discussion of the new Desoto County Stormwater Program.

Mr. Laughter stated that beginning October 1, 2007 Desoto County began a formal in-house program for the enforcement of the Desoto County Stormwater Ordinance. He then informed the board that he received a letter from the EPA regarding grant money that has been set aside for enforcement of these types of programs.

He went on to say that he has been working together with the Engineering Department and the Geographic Information Systems (GIS) Department to develop a plan to organize and digitize the Stormwater Program to make it a model for other counties and municipalities in the State. There are approximately 50 active subdivisions in the county that will be subject to enforcement through the program. The program would split the county into three sections that will have an inspector assigned to each. Each inspector will be responsible for the monthly inspection of subdivisions, which are required by MDEQ, as well as the on-site Stormwater Inspection of county building permits. These inspectors are also responsible for responding to any complaints that are received. With the new program in place, all inspection reports will be placed on the county computer server. The inspector will input all necessary information including weather conditions and time of day. There is also a place to input site photos, if necessary.

Supervisor Russell asked if this inspection begins when the subdivisions are platted and recorded. County GIS Department Director Matt Hanks stated that they are put in the system for inspections as soon as the digital copies are received for preliminary subdivision approval.

Supervisor Russell then asked if violations are found, who will be fined. Mr. McDougal said that the developer will be fined. Supervisor Russell then asked if the inspector will check all conditions. Mr. Laughter said yes; he then said that once the inspection is complete a log can be reviewed to find all the history on a specific piece of property.

Supervisor Russell asked who developed this tracking program and Mr. Matt Hanks gave credit to Mr. Andrew McColgan of the GIS Department. Mr. Garriga stated that GIS can provide many applications for use by other county departments.

Mr. Laughter then stated that the county will be the first in the state to have this type of program. Supervisor Russell suggested that a meeting be set up with other municipalities to demonstrate this program.

5. Draft Development Agreement

In the matter of acknowledging the discussion of the Draft Development Agreement.

Mr. McDougal began by stating that the Draft Development Agreement was submitted to the Planning Commission for their review and recommendation. They have reviewed the document and have recommended it to the Board of Supervisors. He then said that he would like to meet with interested parties such as developers, realtors, and homebuilders associations to receive their comments.

Supervisor Russell said that getting comments from interested parties is a good idea. He also said that there are a lot of approved subdivisions that will not be under this agreement. He then asked if we can require developers to enter into this agreement if they have not had final approval on their subdivisions. Mr. Tony Nowak, Board Attorney, said that the county can request the developer to re-submit preliminary plans if there has been final plan approval within two years of the preliminary plan approval, by doing so, the Board could approve the re-submitted preliminary plans conditioned upon the execution of the development agreement. Mr. Garriga confirmed that a preliminary subdivision approval is no longer valid after two years. Supervisor Russell then said that the Board of Supervisors should begin to review all preliminary applications and that this document will give the county the authority to police what is agreed to at the preliminary and final stages of a subdivision.

Supervisor Latimer asked if a Public Hearing should take place, and Supervisor Russell said that Mr. McDougal is meeting with members of the public for their input. Supervisor Latimer then said he would like to also have a Public Hearing for the public to voice their concerns to the Board. Mr. Nowak added that a Public Hearing would be required to incorporate this document into the zoning regulations, which would have to be amended.

The Board then agreed to have a Public Hearing to discuss the finalization of the proposed Development Agreement

6. Reduction of Planning Commission members discussion

In the matter of acknowledging the discussion of the reduction in the number of Planning Commissioners.

Mr. McDougal stated, at the request of the Board of Supervisors, he has spoken with the Planning Commission to get their views regarding the reduction of the number of Planning Commissioners.

Overall, they feel that the larger number of members gives a better representation of the county. It also gives more leeway if a member needs to be absent. They suggested not reducing the number of members, but creating a policy regarding attendance.

Supervisor Russell said that he is content with fifteen members, but would also be content with only six members. He then said that he would make a decision based on the Planning Commission views. These are volunteers from the county and he will support whatever they want.

Supervisor Latimer said that he would suggest keeping the number at fifteen members and implementing an attendance policy. Mr. McDougal noted that the members are paid only for meetings that they attend. The Board then asked Mr. McDougal for his recommendation. Mr. McDougal said that his recommendation would be to keep fifteen members and implement an attendance policy.

Supervisor Latimer suggested that Mr. McDougal develop an attendance policy and bring it back to the Board for review at the March 4, 2008 meeting.

See Exhibit D

The Board of Supervisors recessed the meeting until 1:40 p.m.

E. CONSENT

1. Sheriff's Report

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to make the Sheriff's employee report part of the minutes. The motion passed by a unanimous vote.

2. Advertise and Open Bids for Overlay

3. Approval Travel - MAS Convention – June 16 -20, 2008

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to approve advertising and opening bids for the overlay and approval to travel to the MAS Convention on June 16 - 20, 2008, for the Board of Supervisors and other county officials. The motion passed by a unanimous vote.

See Exhibit E

F. OLD BUSINESS

1. Life and Group Health Insurance

County Administrator Michael Garriga said he received answers to the Board's questions from Monday's meeting regarding life and health insurance.

Mr. Garriga said the Board questioned whether an employee can keep their life insurance when they retire or leave their position. He said the answer is no. But an employee can keep any additional or supplemental portion.

The Board had asked if the wellness benefit can be paid by the employee if they choose to participate. Mr. Garriga said the answer is yes.

Board Attorney Tony Nowak said the Board had discussed increasing life insurance to \$60,000. He said a statute says the maximum for life insurance for county employee coverage is limited to \$50,000. However, the Board can have an accidental death policy in an amount equal to the life insurance limits. He said we can check on the allowed deduction by the IRS. He said we may have to change the policy in the way we would allow the extra coverage. Mr. Nowak suggested that an accountant be consulted regarding the IRS deduction limits.

Chancery Clerk Sluggo Davis asked if the sign up deadline for the wellness benefit is March 1st. Human Resources Director Vickie Richmann said no, it is anytime.

Supervisor Bill Russell made the motion and Supervisor Allen Latimer seconded the motion to make the wellness benefit part of the county insurance plan and authorize it to be deducted from an employee's check. The motion passed by a unanimous vote.

2. Adult Drug Court Lease

County Administrator Michael Garriga said the lease agreement between the city and county for office space for the Adult Drug Court as been drawn up with the City of Hernando. He said the Adult Drug Court fees will be paid through Adult Drug Court funds but the county will pay the lease and the Board will be reimbursed by the Adult Drug Court. He said, in the lease, the effective date is for three years ending January 31, 2011.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to approve the lease agreement between Desoto County and the City of Hernando for office space for Adult Drug Court effective March 1, 2008 through January 31, 2011.

See Exhibit F.2

G. NEW BUSINESS

1. Board Attorney

a. Olive Branch Library

Board Attorney Tony Nowak said the title for the Olive Branch Library will revert back to the City of Olive Branch once the debt is paid by an agreement with the Board of Supervisors from many years ago. He said the agreement with the reversion clause was made in 1972 and again in 1999. Mr. Nowak further reported that the City of Olive Branch does not want the building. They will approve an acknowledgement that the property will not revert and to rescind the agreements between agreement between the city and the county. He said the city will agree to form an agreement to show who is responsible for different aspects of maintaining the building.

Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to authorize the Smith Phillips Mitchell Scott and Nowak Law Firm to proceed with the necessary agreements with the City of Olive Branch for the Olive Branch Library as outlined by the Board Attorney. The motion passed by a unanimous vote.

b. MOU with Hook Shot Land Investments for Improvements to Land

Board Attorney Tony Nowak said the Hawks Crossing Development Memorandum of Understanding was put in place because they had moved dirt in error. The Board approved the MOU in concept. At that time there was a suggestion to include a bond in the MOU. The MOU has been revised and signed by representatives of Hook Shot and now needs to be approved by the Board of Supervisors.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to approve the Memorandum of Understanding between Desoto County and Hook Shot Land Investments and authorize the Board President to sign the Memorandum of Understanding for improvements to real property and make it part of the minutes. The motion passed by a unanimous vote. **See Exhibit F.1.b**

2. Resolution for School Board Recognition Week

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve and authorize a proclamation supporting the Board of Education to be presented during School Board Recognition Week. The motion passed by a unanimous vote.

3. Department of Road Management – Engineering Contracts

Road Manager Russell Dorris requested approval of contracts for engineering services with Smith Seckman Reid, Inc., Askew Hargraves Harcourt and Associates, Inc. and Florence and Hutcheson, Inc. He said these engineering firms will provide studies when the county needs that work done.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve contracts with Smith Seckman Reid, Inc. and Askew Hargraves Harcourt and Associates, Inc. and Florence and Hutcheson, Inc., for engineering services in Desoto County with changes as approved by the Board Attorney, and as defined in Exhibit F.3. The motion passed by a unanimous vote. **See Exhibit F.3**

G. OTHER

1. Capital Improvements Plan

County Administrator Michael Garriga provided an outline of projects and asked the Board to prioritize the projects on a scale of one to five. Mr. Garriga said when he

receives those back from the Board he will tally them to determine a recommended priority of the projects.

2. Roads – Craft and Church Road

Supervisor Jessie Medlin asked Road Manager Russell Dorris if he has a price for improvements to the intersection of Craft and Church Roads. Mr. Dorris said they cannot give a price because the engineering has not been completed.

3. Legislative Update

Chancery Clerk Sluggo Davis said that the Homestead bill came out of the Senate and has gone to the House of Representatives.

The proposed increase to the architect fees was modified from the \$200,000 recommended to \$150,000. Senator Davis provided an update on these projects and asked that it be passed on to the Board of Supervisors.

4. Lunacies

Chancery Clerk Sluggo Davis said the numbers for lunacies have grown since 2004. Supervisor Tommy Lewis asked the source for drug and alcohol cases. Mr. Davis said some are voluntary and some are commitments. **See Exhibit I.4**

5. Jail Inspection

Supervisor Allen Latimer asked about the jail inspection reports that had been done monthly by the Board of Supervisors. Mr. Garriga said that is not something the Board has to do monthly. He said the only requirement is to do them once per year. Tony Nowak, Board Attorney, advised the Board that it could appoint a qualified person to perform the inspection as the Board's designee and report the finding to the Board. Mr. Nowak, also suggested quarterly inspections as an option in lieu of monthly inspections.

6. Countywide Cleanup

Supervisor Allen Latimer asked for an update on the countywide cleanup. County Administrator Michael Garriga said we are in the process of forming a committee to cover the county for the cleanup. He said he spoke with A.J. Jenkins from the City of Horn Lake as well as the other cities. He said once the committees are ready, we will get together and organize the event.

Supervisor Bill Russell said his suggestion was that the Supervisors would partner with the Mayors and committees would handle different segments of the project.

7. Homeland Security Conference

Supervisor Bill Russell said there will be a Homeland Security Conference from March 11th through March 14th. He would like to encourage participation in the Homeland Security Conference by the Board of Supervisors.

Supervisor Bill Russell made the motion and Supervisor Eugene Thach seconded the motion to approve registration fees and travel expenses as necessary for the event, for the Board of Supervisors and Michael Garriga. The motion passed by a unanimous vote.

8. EMA Emergency Response

Supervisor Bill Russell said he spent time in the EMA office last night. He said there was calmness in the midst of the storm. Volunteers came from everywhere and they did a great job and deserve to be commended.

Supervisor Allen Latimer said they just received an award. County Administrator Michael Garriga said Search and Rescue received an award for their service.

Supervisor Latimer said the EMA office does a great job and they are committed to serve the people of DeSoto County.

9. EMA – Declaration of Emergency

Chancery Clerk Sluggo Davis said the City of Southaven has requested assistance with the storm clean up. He requested on behalf of Mayor Davis to relax the four foot rule at the rubbish pit. Supervisor Jessie Medlin said that is an Allied Waste regulation. Supervisor Tommy Lewis agreed that Allied Waste controls the regulation and the Board of Supervisors may not have authority to relax the regulation.

Supervisor Medlin said the rubbish pit on Highway 78 has a lining in the pit. He said if they have a variety of materials they may want to take the whole load to Olive Branch.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to declare an emergency due to the tornados and severe weather on February 5, 2008, for the purposes allowed by statute, which allows the county to furnish equipment and resources to the cities and for county purposes to assist with the clean up. The motion passed by a unanimous vote.

Later in the meeting County Administrator Michael Garriga said the Road Department will be happy to help the City of Southaven or any other entity. He reported that Jim Bearden has taken care of talking with all the rubbish pits managers in the county.

Supervisor Allen Latimer asked for clarification regarding county equipment use in other jurisdictions. He asked if the equipment is operated by DeSoto County employees. Mr. Dorris said yes. He said he must be sure the operators are qualified and received safety training.

Mr. Garriga said, because the state and county have approved emergency declarations, the county may be able to submit costs to the state for reimbursement.

Supervisor Bill Russell said he would like to acknowledge that Road Manager Russell Dorris and Road Management employees were out with chain saws last night. Supervisor Latimer agreed the Road Department worked hard to make sure the roads were clear.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to recess the meeting until February 19, 2008, at 9:00 a.m. The motion passed by a unanimous vote.

THIS the 6th day of February, 2008, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Allen Latimer, President
DeSoto County Board of Supervisors